DGA No. 54 of 2003

Hon'ble B.C. Kandpal, J.

Heard learned A.G.A. on the delay condonation application and perused the affidavit filed in support thereto.

I find sufficient ground to allow the delay condonation application.

Accordingly, the delay in filing the government appeal is hereby condoned.

This leave to appeal has been filed by the State Government/appellant against the judgment and order dated 05.03.2003 passed by Special Judge, N.D.P.S. Act, Dehradun thereby acquitted the respondent in S.T. No. 25 of 2002 under Section 8/20 of N.D.P.S. Act.

Feeling aggrieved by the said judgment and order, the State Government/appellant preferred this appeal before this Court.

Heard learned A.G.A. on the point of admission as well as Sri R.P. Nautiyal, learned counsel for the respondents and perused the record.

Having considered the arguments advanced by learned A.G.A. for the State/appellant and perusing the entire material available before me, I do not find any illegality, infirmity or incorrectness in the impugned judgment and order passed by the court below. I am in total agreement with the view taken by the court below. The impugned judgment and order does not require any interference. The leave to appeal devoid of any force and is liable to be dismissed.

Accordingly, the leave to appeal is dismissed.

Consequently, the government appeal is also dismissed.

(B.C.K., J.)

21.11.2007

ASWAL